

PROB 12C
(6/16)

Report Date: September 23, 2020

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**for the**
Eastern District of Washington**Sep 23, 2020**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Andrew Vincent Auerbach

Case Number: 0980 2:16CR00093-WFN-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: January 10, 2017

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1), 924(a)(2)

Original Sentence: Prison - 37 months; TSR - 36 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: James Goeke Date Supervision Commenced: April 8, 2019

Defense Attorney: Roger Peven Date Supervision Expires: April 7, 2022

PETITIONING THE COURTTo issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition # 7:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged Mr. Auerbach violated special condition #7 of his supervised release by consuming a controlled substance, methamphetamine, on or about, September 11, 2020.

On April 19, 2019, Andrew Auerbach completed the intake process at the U.S. Probation Office. Mr. Auerbach signed his judgment acknowledging that he understood his conditions of supervision. On April 22, 2019, a request for modifying the condition or term of supervision was filed, which added the above-noted special condition number 7.

On September 14, 2020, Mr. Auerbach advised that he submitted to drug testing at the residential reentry center (RRC). The sample was sent to the laboratory for additional testing. Mr. Auerbach indicated the results may return as a positive for methamphetamine. Mr. Auerbach disclosed that he “ate” some methamphetamine on September 11, 2020, after being offered it.

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Special Condition # 7: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Auerbach violated special condition #7 of his supervised release by consuming a controlled substance, methamphetamine, on or about, September 22, 2020.

On April 19, 2019, Andrew Auerbach completed the intake process at the U.S. Probation Office. Mr. Auerbach signed his judgment acknowledging that he understood his conditions of supervision. On April 22, 2019, a request for modifying the condition or term of supervision was filed, which added the above-noted special condition number 7.

On September 22, 2020, Mr. Auerbach was advised by the staff at the residential reentry center that he would be required to submit to drug testing. After approximately 2 hours, Mr. Auerbach had still not provided a urine specimen. The undersigned then contacted Mr. Auerbach by phone. After some discussion, Mr. Auerbach admitted to consuming methamphetamine early in the morning that same day.

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Special Condition Imposed on July 20, 2020: Upon successful completion of inpatient treatment, Mr. Auerbach shall reside at a residential reentry center (RRC) for a period of up to 180 days.

On July 20, 2020, a STEP order was filed to address violations. Mr. Auerbach was remanded to the custody of the United States Marshal, and required to remain in custody pending placement at an inpatient treatment facility. Following the completion of inpatient treatment, Mr. Auerbach was required to reside at an RRC for a period of up to 180 days.

On September 2, 2020, Mr. Auerbach entered the RRC. On September 14, 2020, Mr. Auerbach submitted to random drug testing at the RRC and admitted to the undersigned that he had consumed methamphetamine on September 11, 2020.

After returning late from work one morning, Mr. Auerbach was placed on Global Positioning Systems (GPS) monitoring with the RRC.

On September 22, 2020, at approximately 12:30 a.m., the RRC staff was contacted by Mr. Auerbach's employer and advised he was terminated from his job. The RRC staff noted through the GPS tracking, that Mr. Auerbach had gone to his girlfriend's residence instead of returning to the RRC facility. They contacted Mr. Auerbach several times to direct he return to the facility. He initially indicated he was going to stay at his girlfriend's residence for a period of time prior to returning to the facility.

Mr. Auerbach did return to the RRC on September 22, 2020. Later that same day, as noted in violation number 2, he was asked to submit to drug testing. The RRC facility requires that an individual submit to testing within 2 hours of being made aware of the requirement. Mr. Auerbach did ultimately admit to consuming methamphetamine on September 22, 2020.

As a result of Mr. Auerbach's continued noncompliance with the RRC, he is being terminated from the program.

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The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/23/2020

s/Melissa Hanson

Melissa Hanson
U.S. Probation Officer

THE COURT ORDERS

- [] No Action
[X] The Issuance of a Warrant
[] The Issuance of a Summons
[] Other



Signature of Judicial Officer

9/23/2020

Date